

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                        |   |                        |
|------------------------|---|------------------------|
| ALPHA CAPITAL ANSTALT, | § |                        |
|                        | § |                        |
| <i>Plaintiff,</i>      | § |                        |
|                        | § |                        |
| v.                     | § | 15-CIV-5443 (VM) (GWG) |
|                        | § |                        |
| OXYSURE SYSTEMS, INC., | § |                        |
|                        | § |                        |
| <i>Defendant.</i>      | § |                        |

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DEFENDANT'S INITIAL RULE 26(a)(1) DISCLOSURES

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The following disclosures are made by Oxysure Systems, Inc., per Rule 26(a) of the Federal Rules of Civil Procedure.

**A. the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.**

Julian Ross  
C/O Steckler LLP  
12720 Hillcrest Rd.  
Suite 1045  
Dallas, Texas 75230  
T: 972-387-4040

Mr. Ross can speak to the negotiations of the Series B transaction at issue.

Ari Kluger  
LH Financial Services Corp.  
150 Central Park S, 2d Floor  
New York, NY 10019  
(212) 803-7242

Mr. Kluger can speak to the negotiations of the Series B transactions at issue.

Employees of Alpha Capital Anstalt  
c/o Ken Zitter

These employees will know about the negotiations of the Series B transaction at issue, as well as calculations of damages and other related issues.

**B. a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.**

Oxysure has in its possession emails between Julian Ross and defendants and Ari Kluger. It also has in its possession copies of the Series B transaction documents, the Series C, D. and E notes, and public filings and information about the company.

**C. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under [Rule 34](#) the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

Oxysure is not seeking damages.

**D. For inspection and copying as under [Rule 34](#), any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

None known at this time.

Respectfully submitted this 23<sup>rd</sup> day of September, 2015.

**STECKLER LLP**

*/s/ Mazin A. Sbaiti*

**Mazin A. Sbaiti, Esq.**

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*Counsel for the Defendant*

**CERTIFICATE OF SERVICE**

This is to certify that on the 23rd day of September, 2015, a true and correct copy of the above and foregoing instrument was served via electronic service and/or First Class mail, upon the following counsel of record in accordance with the Federal Rules of Civil Procedure:

Kenneth Zitter  
260 Madison Avenue #18  
New York, NY 10016  
Ph: 212-532-8000  
Fax: 212-679-8990

*/s/ Mazin A. Sbaiti*

Mazin A. Sbaiti, Esq.